

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HEARTS ON FIRE COMPANY, LLC,

Plaintiff,

v.

EIGHTSTAR DIAMOND COMPANY,

Defendant.

CIVIL ACTION NO. 04 12258-JLT

MAGISTRATE JUDGE ROBERT B.
COLLINGS

[PROPOSED] ORDER GRANTING MOTION FOR CHANGE IN VENUE

This matter came before the court on Defendant EightStar Diamond Company's Motion for Change in Venue, requesting an order for change in venue from the District of Massachusetts to the Northern District of California pursuant to 28 U.S.C. § 1404(a) and Rule 12(b)(3). The Court considered the motion and affidavit of Dana von Sternberg, and Plaintiff's opposition to the motion.

NOW, THEREFORE, in the interest of fairness, judicial convenience, and to promote the convenience of witnesses and the parties, it is hereby ORDERED that EightStar Diamond Company's Motion for Change in Venue is GRANTED and accordingly, venue is transferred to the United States District Court for the Northern District of California.

DATED this ____ day of _____, 2005.

MAGISTRATE JUDGE

Magistrate Judge Robert B. Collings